

Serial No.: 10/672,337

Attorney Docket No.: 2003P08216US

**REMARKS**

Upon entry of the instant Amendment, Claims 1-6, 8-9, and 11-20 are pending. Claims 7 and 10 have been canceled. Claims 1 and 8 have been amended to more particularly point out Applicants' invention. Claims 11, 12, and 18 have been amended to update dependency. The Specification has been amended to provide serial numbers for related cases. No new matter has been added.

Claim 18 was objected to for being dependent on claim 14. Claim 18 has been amended to depend from claim 15.

The numbering of the claims was objected to. Missing Claim 7 has been canceled, and thus the numbering should be correct.

Claims 8-9 and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by Murray, U.S. Patent No. 6,484,033 ("Murray"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray.

Claim 8 has been amended to recite "wherein said position-presence correlation rules include loss of a GPS signal." As acknowledged in paragraph 6 of the Official Action, Murray fails to disclose "positioning information including information related to loss of a position signal." Applicants respectfully submit that Murray likewise fails to disclose "wherein said *position-presence correlation rules* include loss of a GPS signal." Indeed, Murray appears to contain no hint about such rules when a position signal is lost. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-6, 10, and 13-20 have been rejected under 35 U.S.C. 103 as being unpatentable over Murray in view of Preston et al., U.S. Patent No. 6,144,336 ("Preston"). Claim 10 has been canceled. With respect to the remaining claims, Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray or Preston, either singly or in combination.

As discussed in the Specification, a telecommunications system according to an embodiment of the present invention includes a plurality of network clients including a

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positioning controller and a communications controller; and a positioning server including a coordinating controller for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server. The plurality of network clients are configured to transmit position information received via the positioning controller to the positioning server via the communications controller, the positioning information including information related to loss of a position signal. In certain embodiments, presence-position correlation rules accommodate the loss of signal. Thus, in certain embodiments, the system assigns a location to the device responsive to such a loss.

Thus, claim 1 has been amended to recite "said positioning information including information related to loss of a position signal and wherein a location is assigned responsive to said loss of a position signal;" claim 8 (from which claims 13 and 14 depend), has been amended to recite "wherein said position-presence correlation rules include loss of a GPS signal;" claim 15 recites "wherein said one or more positioning and presence correlation rules include loss of a positioning signal."

In contrast, Murray merely relates to a pager system that has a calendar service, rather than a service that define availability on a plurality of particular devices using location and presence rules relating to a loss of signal as generally recited in the claims at issue. In Murray, another user is telephoned if a device is determined not to be able to return to an available conference site in time for the conference. However, the user in Murray is not able to set presence and availability correlations associated with a plurality of the user's devices, or rules relating to a loss of signal as generally recited in the claims at issue. If he is not able to make it back, then he is not available at all; other users are not able to contact him. In contrast, in embodiments of the present invention, users are able to make use of the presence and location correlation rules to determine where he is available, even when a loss of signal condition occurs.

Indeed, this is acknowledged in the Official Action, which indicates that Murray does not relate to loss of signal. Preston, instead, is relied on for such teaching. However, Preston provides a digital altimeter to cope with a loss of signal. That is, in the event that the GPS or GLONASS system experiences loss of signal, a built in digital

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altimeter can provide position information. However, this does not relate to providing presence location correlation rules in the event of loss of GPS signal. Moreover, it does not relate to assigning a location if a signal is lost (claim 1). Instead, in Preston, position is updated using the altimeter; neither reference contains a hint that is desirable or even possible to provide a presence-location correlation rule or new location when a signal is lost.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Murray. As discussed above, Murray does not teach, suggest, or imply the invention of the underlying claims. As such, Applicants respectfully submit that it likewise does not teach the invention of the dependent claim 11. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

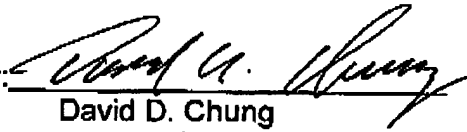
Paragraph 8 of the Official Action (titled "Double Patenting") indicates that the claims of the present application conflict with the claims of Application No. 10/672,367, 10/672,899, and 10/676,621. Applicants respectfully disagree that the claims conflict. Each claim of the present application relates to and explicitly recites "loss of signal" and how a GPS and presence system handles such loss of signal; other applications relate to differing inventive aspects of presence-position system. Thus, Applicants submit that "a clear line of demarcation" is maintained.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830  
ATTENTION: Elsa Keller, IP Department  
Telephone: (732) 321-3026

Respectfully submitted,

By:   
David D. Chung  
Registration No. 38,409  
Attorney for Applicants  
Tel: 650-694-5339  
Fax: 650-968-4517